



House of Representatives

General Assembly

File No. 399

February Session, 2012

Substitute House Bill No. 5506

House of Representatives, April 12, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING GOOD SAMARITAN PROTECTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 52-557b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) A person licensed to practice medicine and surgery under the
5 provisions of chapter 370 or dentistry under the provisions of section
6 20-106 or members of the same professions licensed to practice in any
7 other state of the United States, a person licensed as a registered nurse
8 under section 20-93 or 20-94 or certified as a licensed practical nurse
9 under section 20-96 or 20-97, a medical technician or any person
10 operating a cardiopulmonary resuscitator or a person trained in
11 cardiopulmonary resuscitation in accordance with the [standards]
12 guidelines set forth by the American Red Cross or American Heart
13 Association, or a person operating an automatic external defibrillator,
14 who, voluntarily and gratuitously and other than in the ordinary
15 course of such person's employment or practice, renders emergency

16 medical or professional assistance to a person in need thereof, shall not
17 be liable to such person assisted for civil damages for any personal
18 injuries which result from acts or omissions by such person in
19 rendering the emergency care, which may constitute ordinary
20 negligence. A person or entity that provides or maintains an automatic
21 external defibrillator shall not be liable for the acts or omissions of the
22 person or entity in providing or maintaining the automatic external
23 defibrillator, which may constitute ordinary negligence. The immunity
24 provided in this subsection does not apply to acts or omissions
25 constituting gross, wilful or wanton negligence. With respect to the use
26 of an automatic external defibrillator, the immunity provided in this
27 subsection shall only apply to acts or omissions involving the use of an
28 automatic external defibrillator in the rendering of emergency care.
29 Nothing in this subsection shall be construed to exempt paid or
30 volunteer firefighters, police officers or emergency medical services
31 personnel from completing training in cardiopulmonary resuscitation
32 or in the use of an automatic external defibrillator in accordance with
33 the [standard] guidelines set forth by the American Red Cross or
34 American Heart Association. For the purposes of this subsection,
35 "automatic external defibrillator" means a device that: (1) Is used to
36 administer an electric shock through the chest wall to the heart; (2)
37 contains internal decision-making electronics, microcomputers or
38 special software that allows it to interpret physiologic signals, make
39 medical diagnosis and, if necessary, apply therapy; (3) guides the user
40 through the process of using the device by audible or visual prompts;
41 and (4) does not require the user to employ any discretion or judgment
42 in its use.

43 Sec. 2. (NEW) (*Effective October 1, 2012*) (a) For purposes of this
44 section:

45 (1) "Political subdivision" means any city, town, municipality,
46 borough or other unit of local government; and

47 (2) "Temporary emergency shelter" means a facility that provides
48 emergency shelter for a specified, limited period of time.

49 (b) In the event that the Governor declares the existence of a civil
 50 preparedness emergency, pursuant to section 28-9 of the general
 51 statutes, and (1) the chief elected official or the chief executive officer
 52 of a political subdivision of the state, or (2) a nonprofit organization
 53 which is exempt from taxation pursuant to Section 501(c)(3) of the
 54 Internal Revenue Code of 1986 or any subsequent corresponding
 55 internal revenue code of the United States, as from time to time
 56 amended, establishes one or more temporary emergency shelters for
 57 the benefit of residents of the state, any employee, officer or agent of
 58 the political subdivision, any employee, officer or agent of the
 59 nonprofit organization, or any volunteer assisting the political
 60 subdivision or nonprofit organization in the operation of a temporary
 61 emergency shelter, who renders assistance to a resident taking refuge
 62 at such temporary emergency shelter, shall not be liable to such
 63 resident assisted for civil damages for any personal injuries which
 64 result from acts or omissions by such employee, officer, agent or
 65 volunteer in rendering assistance to such resident which may
 66 constitute ordinary negligence. The immunity provided in this
 67 subsection does not apply to acts or omissions constituting gross,
 68 wilful or wanton negligence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	52-557b(a)
Sec. 2	<i>October 1, 2012</i>	New section

Statement of Legislative Commissioners:

In section 2(b), the phrase "or any subsequent corresponding internal revenue code of the United States," was added after "1986," for accuracy.

JUD *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill extends protections from civil liability to people who help someone taking refuge at temporary emergency shelters and does not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5506*****AN ACT CONCERNING GOOD SAMARITAN PROTECTIONS.*****SUMMARY:**

This bill extends immunity from civil liability for ordinary negligence to certain people who help someone taking refuge at temporary emergency shelters established by a municipality, other political subdivision, or nonprofit organization after the governor declares a civil preparedness emergency. The immunity does not apply to acts or omissions constituting gross, willful, or wanton negligence.

The bill also makes a technical change.

EFFECTIVE DATE: October 1, 2012, except the technical change is effective upon passage.

IMMUNITY AT TEMPORARY EMERGENCY SHELTERS

The bill provides immunity, under specified circumstances, at emergency shelters after the governor declares a civil preparedness emergency. For the immunity to apply, the shelter must be established either by (1) the chief elected or executive officer of a city, town, municipality, borough, or other unit of local government (i.e., a political subdivision) or (2) a tax-exempt nonprofit organization. The facility must provide emergency shelter for state residents, for a limited time.

The immunity applies to the political subdivision's or nonprofit organization's employees, officers, and agents, as well as to volunteers helping them to operate the shelter, who provide assistance to state residents at such shelters. The bill provides that these people are not liable to the assisted person for civil damages for personal injuries due

to acts or omissions in providing the assistance that might constitute ordinary negligence.

BACKGROUND

Related Bill

sHB 5143 (File 173) requires insurers that sell commercial risk insurance policies or riders that cover food spoilage to cover to the same extent donations of perishable food to temporary emergency shelters, under certain circumstances and subject to several limitations. It, with some exceptions, exempts a food establishment that makes a donation under these provisions from civil or criminal liability resulting from the food's nature, age, condition, or packaging.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/26/2012)